

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 6, 11, 16, 19 and 20 have been amended. No claims have been added or canceled. Thus, claims 1-29 are pending.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1-29 were rejected as being unpatentable over U.S. Patent No. 6,385,647 issued to Willis, et al. (*Willis*) in view of U.S. Patent No. 5,784,622 issued to Kalwitz, et al. (*Kalwitz*). For at least the reasons set forth below Applicants submit that claims 1-29 are not rendered obvious by *Willis* and *Kalwitz*.

Claim 1 recites:

transmitting data over a network using a first network protocol
from a host electronic system to one or more target electronic systems;
determining data not received by at least one of the target
electronic systems using the first network protocol; and
requesting, from the host electronic system, the data not received
by at least one of the target electronic systems be transmitted using a
second network protocol.

Thus, Applicants claim transmitting data using a first protocol, determining data not received using the first protocol and then requesting transmission of the data not received via a second protocol. Claim 6 recites similar limitations.

Willis discloses multicasting of multimedia information. See Abstract. *Willis* further discloses determining whether transmission was unsuccessful. See col. 4, lines 36-38. Specifically, *Willis* discloses retransmission via *multicasting* in response to an error status. See col. 4, lines 39-42 (emphasis added). Thus, *Willis* discloses transmission using a first protocol (multicast) and retransmission using the same protocol.

Therefore, *Willis* explicitly *teaches away* from the invention as claimed in claims 1, 6 and 11.

Kalwitz discloses transmission of data from a first server to a network peripheral device using a first protocol and transmission of different data from a second server to the network peripheral using a second protocol. See col. 2, lines 29-34. *Kalwitz* does not disclose *retransmission* of data not received by the network peripheral device. Because *Kalwitz* discloses using a first protocol when a first server is communicating with a network device and a second protocol when a second server is communicating with the network device, retransmissions from the first server would be accomplished using the first protocol and retransmissions from the second server would be accomplished using the second protocol. Therefore, *Kalwitz* does not cure the deficiencies of *Willis*.

Applicants submit that nothing in either *Willis* or *Kalwitz* provides motivation for the combination provided in the Office Action. As mentioned above, *Willis* discloses retransmission from a single server to a network device using a single protocol. *Kalwitz* discloses transmission from multiple servers to a single network device using multiple protocols. However, each server transmits to the network device using the same protocol.

Moreover, even if *Willis* and *Kalwitz* were properly combined, nothing in either *Willis* or *Kalwitz* teaches or suggests transmitting data using a first protocol and retransmitting the data using a second protocol. Therefore, no combination of *Willis* and *Kalwitz* can teach or suggest the invention as claimed in claims 1, 6 and 11.

Claims 2-5 depend from claim 1. Claims 7-10 depend from claim 6. Claims 12-15 depend from claim 11. Because dependent claims include the limitations of the claims

from which they depend, Applicants submit that claims 2-5, 7-10 and 12-15 are not rendered obvious by *Willis* and *Kalwitz* for at least the reasons set forth above.

Claim 16 recites:

transmitting a predetermined set of data using a first network protocol to multiple target systems;
receiving one or more requests from at least one target system for a subset of data from the predetermined set of data;
transmitting the one or more subsets of data to at least one target system using a second network protocol.

Thus, Applicants claim transmitting data to a set of target systems using a first protocol and transmitting one or more subsets of data to at least one target device using a second protocol. Claim 20 recites similar limitations.

As mentioned above, nothing in either *Willis* or *Kalwitz* teaches or suggests transmitting data using a first protocol and retransmitting the data using a second protocol. Therefore, no combination of *Willis* and *Kalwitz* can teach or suggest the invention as claimed in claims 16 and 20.

Claims 17-19 depend from claim 16. Claims 21-23 depend from claim 20.

Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 17-19 and 21-23 are not rendered obvious by *Willis* and *Kalwitz* for at least the reasons set forth above.

Claim 24 recites:

receiving at least a portion of a predetermined set of data from a host system using a first network protocol;
generating one or more requests from for subsets of data from the predetermined set of data;
receiving the subsets of data from the host system using a second network protocol.

Thus, Applicants claim receiving data with a target systems using a first protocol and receiving one or more subsets of data with the target device using a second protocol.

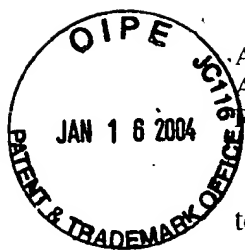
Claim 27 recites similar limitations.

As mentioned above, nothing in either *Willis* or *Kalwitz* teaches or suggests receiving data using a first protocol and retransmitting the data using a second protocol. Therefore, no combination of *Willis* and *Kalwitz* can teach or suggest the invention as claimed in claims 24 and 27.

Claims 25 and 26 depend from claim 24. Claims 28 and 29 depend from claim 27. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 25, 26, 28 and 29 are not rendered obvious by *Willis* and *Kalwitz* for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-29 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by



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Examiner Kianersi, Mitra
TC/A.U. 2143

telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number
02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Paul A. Mendonsa
Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200

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